

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS**

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<b>IN RE YASMIN AND YAZ</b>	)	<b>3:09-md-02100-DRH-PMF</b>
<b>(DROSPIRENONE) MARKETING, SALES</b>	)	
<b>PRACTICES AND PRODUCTS LIABILITY</b>	)	<b>MDL No. 2100</b>
<b>LITIGATION</b>	)	
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**This Document Relates to:**

**ALL CASES**

**MINUTES OF TELEPHONE STATUS CONFERENCE**

**PRESIDING: Chief Judge David R. Herndon**

**DATE: September 19, 2011**

**PLACE: East St. Louis, Illinois**

**COURT REPORTER: Laura Blatz**

**COURTROOM DEPUTY: Sandy Pannier**

**APPEARING FOR PLAINTIFFS: Roger Denton and Michael Burg**

**APPEARING FOR DEFENDANTS: Adam Hoeflich**

**TIME: 3:30 PM - 4:20 PM**

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The Court notes the Plaintiff Steering Committee requested this hearing pursuant to a Case Management Order 26 issue. Roger Denton and Michael Burg present the position of the PSC and Adam Hoeflich presents the position of the defendants.

The Court's ruling in this matter is based on the fact that the ruling has to be based on prejudices to both sides. The Court finds that in balancing those prejudices here, there is far more prejudice to the plaintiffs' side in making plaintiffs go forward with depositions where they will not have appropriate representation available to take depositions, when lawyers are already scheduled in so many depositions compared with potential prejudices to put together potential Daubert motions that will be very similar. The Court notes that it is interesting that there is so much prediction of Daubert motions when depositions have not been taken yet. To assume that there will be as much and more prejudice in potential time requirement to Daubert motions as compared to requiring the PSC to either pull lawyers from depositions scheduled or to pull in lawyers less experienced would impose a much greater prejudice on plaintiffs' side than to speculate that there might be some prejudice to make the substantive team to work with a shorter deadline.

Regarding depositions to be taken, the Court allows 3 weeks if the depositions are to be taken in Europe; and 2 weeks if they are to be taken in the United States. There is no problem if the depositions are taken in Europe as that solves a lot of problems for witnesses but creates problems for plaintiffs' side. If defendant chooses to produce witness in the United States, it will cut down on the amount of time. These 2 or 3 extra weeks are to be taken following the 10/14 deadline. The amount of time to be extended is contingent on where defendant chooses to produce these witnesses. If there is somebody taking a deposition and that person is the principal interrogator, it is the lawyer conducting the cross-examination who should be making the objections. There should be no tag-team approach as to objections.

The Court cautions everyone against simply filing Daubert motions for the sake of filing a Daubert motion.

Mr. Hoeflich advises they will confer with their clients tomorrow and will get back to counsel as soon as they can with the information regarding if the depositions will occur in Europe or the United States. The Court encourages this to be done sooner rather than later.

The Court requests that when the deposition supplementation is filed on the 27<sup>th</sup>, that the Court be copied in on that.